

19891002

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, OCTOBER 2, 1989  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:09 p.m.  
Deputy Mayor McCarty adjourned the meeting at 4:25 p.m. into Closed  
Session to discuss pending litigation matters on Tuesday, October 3,  
1989, at 9:15 a.m., in the twelfth floor conference room.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-excused by R-274751  
(vacation)
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Fishkin (rb)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-not present
- (3) Council Member McColl-present
- (4) Council Member Pratt-not present
- (5) Council Member Struiksma-not present
- (6) Council Member Henderson-present

- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-10: INVOCATION

Invocation was given by Rabbi J. Wohlgelernter,  
Congregation Adat Yeshurun.

FILE LOCATION: MINUTES

Oct-2-1989

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member  
Wolfsheimer.

FILE LOCATION: MINUTES

ITEM-30: GRANTED HEARING

Matter of the requests of Symphony Towers, Knightsbridge Associates and London & Edinburgh Trust, by Michael B. Williams and David C. Sherwood, for a hearing of an appeal from the decision of the Planning Commission in voting 2-5 to approve the appeal and

the permit. Due to a lack of 4 affirmative votes, this was deemed a denial of the appeal and the decision of the Planning Director is upheld, granting, with conditions, Comprehensive Sign Plan CSP-89-0417, for a site located at 750 "B" Street, on the block bounded by A and B Streets, Seventh and Eighth Avenues, in the Central Business District zoned site, within the Centre City Community Plan area. The subject property is more particularly described as Lots A through L, Block 7 of Horton's Addition, Maps of L. L. Lockling 14009 & 15166.

(CSP-89-0417. District-8.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: PERM - CSP-89-0417

COUNCIL ACTION: (Tape location: A077-074.)

MOTION BY FILNER TO HEAR THE APPEAL BASED ON THE FACT THAT NEW EVIDENCE IS AVAILABLE THAT WAS NOT AVAILABLE AT THE TIME OF THE PLANNING COMMISSION HEARING. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-31: GRANTED HEARING

Matter of the request of Dennis William Bilden, by Lawrence R. Keller, Attorney at Law, for a hearing of an appeal from the Board of Zoning Appeals failure to overturn the Zoning Administrator's decision to deny the requested Conditional Use Permit. Due to a lack of three affirmative votes on any of three motions, the Board was unable to reach a decision. Therefore, the decision of the Zoning Administrator to deny the request remains in effect. Case C-20303 requested 1) to construct a guest house above an existing garage where such use is permitted by Conditional Use Permit only; and, 2) said second-story guest house to observe 5'0" to 7'0" front yard abutting Mar Avenue where a 15'0" front yard is required (existing garage observes 5'0" to 7'0" front yard). The

applicant has modified the plans submitted previously and is no longer requesting a new second garage observing a 0'0" front yard abutting Olivet Street where a 15'0" front yard is required. The subject property, 7650 Exchange Place, in Zone R1-5000, in the Coastal Zone, Proposition "D" Height Limitation Zone, in the La Jolla Community Plan area, is more particularly described as Lots 1 through 3, Block 77, Villa Tract, La Jolla Park, Map-976, and a 10 ft. vacated portion of Mar Avenue.

(Case C-20303. District-1.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: ZONE - ZONING APPEAL CASE C-20303

COUNCIL ACTION: (Tape location: A091-120.)

MOTION BY WOLFSHEIMER TO HEAR THE APPEAL BASED ON FINDINGS THAT THE BOARD OF ZONING APPEALS DECISION WAS ARBITRARY BECAUSE NO EVIDENCE WAS PRESENTED TO THE BOARD OF ZONING APPEALS THAT SUPPORTS THE DECISION. Second by McColl. Passed by the

following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea,  
Pratt-not present, Struiksma-not present, Henderson-yea,  
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-50: (O-90-34) ADOPTED AS ORDINANCE O-17350 (New  
Series)

Amending Chapter VI, Article 3, of the San Diego Municipal  
Code by amending Section 63.40, relating to San Diego-La  
Jolla Underwater Park Ecological Reserve - Boating  
Regulations, to realign a portion of the existing 5 mph  
zone to coincide with the ecological reserve boundary and  
to remove one half of the boat free zone during the  
off-summer months.

(La Jolla and La Jolla Shores Community Areas.  
District-1. Introduced on 9/18/89. Council voted 9-0.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A150-174.)

CONSENT MOTION BY HENDERSON TO DISPENSE WITH THE READING AND  
ADOPT. Second by McColl. Passed by the following vote:  
Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present,  
Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea,  
Mayor O'Connor-yea.

ITEM-51: (O-89-243) CONTINUED TO OCTOBER 10, 1989

Amending Chapter IX, Article 8, Division 1, of the  
San Diego Municipal Code, by repealing Sections 98.0115  
through 98.0121; and adding new Sections 98.0120 through  
98.0126 - relating to Abatement of Substandard Residential  
Structures, 98.0130 through 98.0143 - relating to  
Administrative Abatement Procedures, and 98.0150 -  
relating to Imminent Hazard - Summary Abatement.  
(Introduced on 9/18/89. Council voted 9-0.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A174-200.)

MOTION BY HENDERSON TO CONTINUE ONE WEEK TO CLARIFY LANGUAGE.  
Second by McCarty. Passed by the following vote:  
Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present,  
Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea,

Mayor O'Connor-yea.

\* ITEM-52:

Three actions relative to amending the San Diego Municipal Code pertaining to the Living Unit:  
(City-wide.)

Subitem-A: (O-90-38 Rev.1) INTRODUCED, TO BE ADOPTED ON  
OCTOBER 16, 1989

Introduction of an Ordinance amending Chapter X, Article 1, Division 5, of the San Diego Municipal Code by adding Section 101.0518, relating to Conditional Use Permits for the Living Unit Ordinance.

(Subitem A was continued from 9/18/89 for preparation of an amended Ordinance. Council voted 7-0. District 5 and Mayor not present.)

Subitem-B: (O-90-39) ADOPTED AS ORDINANCE O-17351 (New Series)

Adoption of an Ordinance amending Chapter X, Article 1, Division 5 of the San Diego Municipal Code by adding Section 101.0510(c)2(c), relating to Conditional Use Permits.

(Introduced on 9/18/89. Council voted 7-0. District 5 and Mayor not present.)

Subitem-C: (O-90-40) ADOPTED AS ORDINANCE O-17352 (New Series)

Adoption of an Ordinance amending Chapter X, Article 1, of the San Diego Municipal Code by amending Section 101.0101.76, relating to Single Room Occupancy.

(Introduced on 9/18/89. Council voted 7-0. District 5 and Mayor not present.)

NOTE: Today's action is the introduction of Subitem A, and the adoption of Subitems B and C.

FILE LOCATION: SUBITEM-A: --; SUBITEMS-B&C: MEET

COUNCIL ACTION: (Tape location: A150-174.)

CONSENT MOTION BY HENDERSON TO INTRODUCE SUBITEM-A AND DISPENSE WITH THE READING AND ADOPT SUBITEMS-B AND C. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-53: (O-90-43) ADOPTED AS ORDINANCE O-17353 (New Series)

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Amending Chapter , Article 1, Division 4, of the San Diego Municipal Code by repealing Section 101.0452.5 and by adding Section 101.0452.5 with new language relating to the Clairemont Mesa Height Limitation Zone.

(Districts-5 and 6. Introduced on 9/18/89. Council voted 6-3. Districts 1, 2, 4 not present.)

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LOCATION: LAND - CLAIREMONT MESA HEIGHT LIMITATION OVERLAY ZONE

COUNCIL ACTION: (Tape location: A150-174.)

CONSENT MOTION BY HENDERSON TO DISPENSE WITH THE READING AND ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-54: (O-90-52) ADOPTED AS ORDINANCE O-17354 (New Series)

Extending for a period of one year Emergency Ordinance 0-17170 N.S., limiting the height and floor area ratio (FAR) of structures in a portion of Centre City San Diego.

(District-8. Introduced on 9/18/89. Council voted 5-0. Districts 2, 3, 5 and Mayor not present.)

FILE LOCATION: LAND - CENTRE CITY COMMUNITY PLAN

COUNCIL ACTION: (Tape location: A150-174.)

CONSENT MOTION BY HENDERSON TO DISPENSE WITH THE READING AND ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-100: (R-90-188) ADOPTED AS RESOLUTION R-274466

Awarding a contract to Hanson Concrete Products, Inc. for the purchase of 131 concrete litter containers at a cost of \$284 each and 231 side-mounted recycling units at a cost of \$40 each,

for an estimated cost of \$49,695.08, including tax and terms. (BID-G0906/90)  
(District-8.)  
Aud. Cert. 9000306.

FILE LOCATION: MEET CONT FY90-1

COUNCIL ACTION: (Tape location: A201-217.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Henderson.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-101: (R-90-195) ADOPTED AS RESOLUTION R-274467

Awarding a contract to Potters Industries, Inc. for the purchase of reflective glass spheres, as may be required for a period of one year beginning October 1, 1989 through September 30, 1990, for an estimated cost of \$45,127.25, including tax, with an option to renew the contract for an additional one year period, with a price escalation not to exceed 4 percent of the unit price bid. (BID-H0920/90)

FILE LOCATION: MEET CONT FY90-1

COUNCIL ACTION: (Tape location: A201-217.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Henderson.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-102: (R-90-196) ADOPTED AS RESOLUTION R-274468

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Inviting bids for the construction of Traffic Signal and Street Lighting Systems at Chesapeake Drive and Ruffin Road on Work Order No. 119347; authorizing the execution of a

contract with the lowest responsible bidder; authorizing the expenditure of funds not to exceed \$92,200 from Capital Outlay Fund 30245, CIP-61-001, Annual

Allocation - Signal Installations to Accommodate Sudden Traffic Changes, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to retain excess funds, if any, in CIP-61-001, Annual Allocation - Signal Installations to Accommodate Sudden Traffic Changes. (BID-K0984/90)

(Serra Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The subject FY-89 Capital Improvement Program project intersection is currently controlled by all-way stop signs. Installation of a traffic signal will provide the orderly assignment of right-of-way to vehicular and pedestrian traffic.

Aud. Cert. 9000146.

FILE LOCATION: W.O. 119347 CONT - MCR-Electrical Contractors, Inc. CONT FY90-1

COUNCIL ACTION: (Tape location: A201-217.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-103: (R-90-478) ADOPTED AS RESOLUTION R-274469

Rescinding Resolution of Intention R-268301 for the improvement of Alley Block 42, Normal Heights, adopted under the provisions of the San Diego Municipal Code and Improvement Act of 1911 on May 11, 1987, and abandoning all proceedings.

(Mid-City Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: This alley improvement was a 65.1 percent petition initiated project. The petition was accepted by Council on August 12, 1985, per Resolution R-263833. The alley for which the improvement proceedings are to be abandoned is located between Wilson Avenue and 36th Street, and between Adams Avenue and Madison Avenue. Improvements that were to be constructed included pedestrian ramps, and the grading and paving of the 15 feet wide alley. During the public hearing a majority of property owners protested the proposed improvements based on inability to pay their estimated assessment. The matter was returned to the Manager with a request that options



be explored to assist the

property owners in that specific district as well as other potential districts in low income areas. Various options were provided and discussed at the Public Services and Safety Committee on September 7, 1988. The City does make an effort to assist property owners in specifically targeted low income areas. One means is the 50 percent contribution of Community Development Block Grant (CDBG) funds in the Project First Class and City Heights areas. Also, the City, through the Assessment Deferral Program for those who qualify using the HUD based income guidelines, pays the assessment and places a lien on the property which is then paid off when the property is sold, ownership is transferred, or a mortgage or trust deed is refinanced. With these programs already available, the Committee recommended that additional programs of substantial City contributions to the assessment districts in low income areas not be implemented. In line with this decision, and due to the majority protest, it is recommended that the assessment district proceedings on the alley be abandoned.

FILE LOCATION: STRT - D-2254

COUNCIL ACTION: (Tape location: A201-217.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-104:

Two actions relative to the First Avenue (Laurel Street to Brookes Avenue) Underground Utility District:  
(Uptown Community Area. District-8.)

Subitem-A: (R-90-512) ADOPTED AS RESOLUTION R-274470

Designating November 15, 1989 as the date upon which all property in the First Avenue (Laurel Street to Brookes Avenue) Underground Utility District must be ready to receive underground service and December 15, 1989 as the date for the removal of all overhead utility facilities.

Subitem-B: (R-90-513) ADOPTED AS RESOLUTION R-274471

Authorizing the City Auditor and Comptroller to open Fund

No. 78041 for the purpose of depositing Public Utilities  
Commission Case 8209 Utility Undergrounding Allocation

Funds for the First Avenue (Laurel Street to Brookes Avenue) Underground Utility District; authorizing the City Treasurer to receive these funds from the San Diego Gas & Electric Company; authorizing payment to all property owners in the First Avenue (Laurel Street to Brookes Avenue) Underground Utility District as reimbursement for electrical service underground conversion work done on private property whenever the required length of trenching exceeds 15 feet; authorizing the City Auditor and Comptroller to return to San Diego Gas and Electric Company any undisbursed funds.

CITY MANAGER SUPPORTING INFORMATION: The First Avenue (Laurel Street to Brookes Avenue) Underground Utility District was created by the City Council on November 26, 1985. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set November 15, 1989 as the Customer Ready Date, which will require that, upon this date, all affected customers within the Underground Utility District must have their services prepared to receive service from the new underground system. This action will also establish December 15, 1989 as the Pole Removal Date, which will require that, upon this date, all overhead facilities within the Underground Utility District must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench. The property owner remains responsible for all remaining conversion costs. Aud. Cert. 9000313.

FILE LOCATION: STRT K-151

COUNCIL ACTION: (Tape location: A201-217.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Henderson.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
McColl-yea, Pratt-not present, Struiksma-not present,  
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-105:

Two actions relative to the San Ysidro Boulevard Phase III (Sunset Lane and Smythe Avenue to Averil Road) Underground Utility District:

(San Ysidro Community Area. District-8.)

Subitem-A: (R-90-510) ADOPTED AS RESOLUTION R-274472

Designating November 15, 1989 as the date upon which all property in the San Ysidro Boulevard Phase III (Sunset Lane and Smythe Avenue to Averil Road) Underground Utility District must be ready to receive underground service and December 31, 1989 as the date for the removal of all overhead utility facilities.

Subitem-B: (R-90-511) ADOPTED AS RESOLUTION R-274473

Authorizing the City Auditor and Comptroller to open Fund No. 78042 for the purpose of depositing Public Utilities Commission Case 8209 Undergrounding Allocation Funds for the San Ysidro Boulevard Phase III (Sunset Lane and Smythe Avenue to Averil Road) Underground Utility District; authorizing the City Treasurer to receive these funds from the San Diego Gas and Electric Company; authorizing the payment to all property owners in the San Ysidro Boulevard Phase III (Sunset Lane and Smythe Avenue to Averil Road) Underground Utility District as reimbursement for electrical service underground conversion work done on private property whenever the required length of trenching exceeds 15 feet; authorizing the City Auditor and Comptroller to return to San Diego Gas and Electric Company any undisbursed funds.

CITY MANAGER SUPPORTING INFORMATION: The San Ysidro Boulevard Phase III Underground Utility District was created by the City Council on August 6, 1985. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set November 15, 1989 as the Customer Ready Date, which will require that, upon this date, all affected customers within the Underground Utility District must have their services prepared to receive service from the new underground system. This action will also establish December 31, 1989 as the Pole Removal Date, which will require that, upon this date, all overhead facilities within the Underground Utility District must be removed. The utility companies concur

with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench. The property owner remains responsible for all remaining conversion costs.

Aud. Cert. 9000312.

FILE LOCATION: STRT K-148

COUNCIL ACTION: (Tape location: A201-217.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-106: (R-90-485) ADOPTED AS RESOLUTION R-274474

Approving the acceptance by the City Manager of that deed of Regency Hill Associates conveying to the City a general utility easement in Lot 5 of Hilltop, Map-9577, and Lot 49 of Rancho Mission of San Diego, Map-330; authorizing the execution of a quitclaim deed, quitclaiming to Regency Hill Associates, all the City's right, title and interest in the general utility easement in Lot 5 of Hilltop, Map-9577, and in Lot 49 of Rancho Mission of San Diego, Map-330.  
(Tierrasanta Community Area. District-7.)

FILE LOCATION: DEED F-5061 DEED FY90-1

COUNCIL ACTION: (Tape location: A201-217.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-107: (R-90-487) ADOPTED AS RESOLUTION R-274475

Authorizing the sale of a surplus sewer easement in Lot G of Block 104, Horton's Addition to Industrial-Main Property; authorizing the execution of a quitclaim deed, quitclaiming to Industrial-Main Property all of the City's

right, title and interest in the easement.  
(Centre City Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: An application has been submitted to the Engineering and Development Department for removal of a sewer easement that encumbers property at the northwest corner of 14th Street and Island Avenue in downtown San Diego. The easement was donated to the City of San Diego in 1941. A sewer lateral therein served a residence that has since been demolished and replaced by the building at 505 13th Street. The owners are required to remove the encumbrance in order to obtain new financing. As the easement has no present or potential value to the City of San Diego, it is recommended to Council that the issuance of a Quitclaim Deed to the owner be authorized.  
WU-P-90-028.

FILE LOCATION: DEED F-5062 DEED FY90-1

COUNCIL ACTION: (Tape location: A201-217.)  
CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Henderson.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-108: (R-90-481) ADOPTED AS RESOLUTION R-274476

Encouraging Congress to provide federal assistance to make it possible for local governments and the private sector to jointly produce affordable family housing at levels necessary to assure that the need will be met.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A222-394.)  
MOTION BY FILNER TO ADOPT AND TO ACCEPT COUNCIL MEMBER McCARTY'S AMENDMENT TO THE MOTION TO DIRECT THE CITY MANAGER AND THE PLANNING DEPARTMENT TO COME TO COUNCIL WITH VARIOUS METHODS BY WHICH THE CITY CAN MAKE THEIR HOUSING STOCK MORE AFFORDABLE AND A DISCUSSION OF THE HOUSING TRUST FUND. Second by Wolfsheimer.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-109:

Two actions relative to the acquisition of Whittier Street:

(Peninsula Community Area. District-2.)

Subitem-A: (R-90-503) ADOPTED AS RESOLUTION R-274477

Authorizing the expenditure of an amount not to exceed \$1,410,000 from Proposition A funds (CIP-52-313.0, Whittier Street) for the acquisition of property rights and related costs; authorizing the City Manager or his designee to accept deeds from the various property owners in connection with the authorized expenditure; declaring that this project may be refinanced with tax exempt securities if future circumstances warrant.

Subitem-B: (R-90-504) ADOPTED AS RESOLUTION R-274478

Certifying that the information contained in Environmental Impact Report EIR-87-0915, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: This action requests the expenditure of up to \$1,410,000 to acquire right-of-way for the realignment of the Whittier Street off-ramp from Nimitz Boulevard to Famosa Boulevard as indicated in CIP-52-313.0. The project is necessary as Whittier Street is a residential street that was not designed to accommodate the present traffic volumes. Several traffic-generating developments are scheduled for completion in the area in the near future. Traffic capacity on Whittier Street is thus expected to increase significantly. A traffic signal at Famosa Boulevard and the off-ramp is included in this project.  
Aud. Cert. 9000318.

FILE LOCATION: DEED F-5063 DEED FY90-1

COUNCIL ACTION: (Tape location: A201-217.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Henderson.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-110: (R-90-463) ADOPTED AS RESOLUTION R-274479

Authorizing the execution of a third amendment to the agreement of November 20, 1978 with Atkinson, Johnson and Spurrier, Inc., for professional engineering services in connection with the Balboa Park House of Hospitality Building; authorizing the expenditure of an amount not to exceed \$20,000 from the Transient Occupancy Tax Unappropriated Reserve for Balboa Park Improvement Projects, Fund No. 102242, for the purpose of providing funds for said services; authorizing the City Auditor and Comptroller to transfer unexpended funds, if any, to the appropriate reserves upon advice of the Park and Recreation Director.

(Balboa Park Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: On November 20, 1978, the City and Atkinson, Johnson and Spurrier, Inc., Structural Engineers, entered into an agreement for professional services to provide a structural appraisal of various Balboa Park buildings, including the House of Hospitality. This agreement produced a report that verified serious deficiencies which are beyond normal maintenance and repair. On January 20, 1986, the agreement was amended to provide an update of the building's condition and to provide the City with cost estimates for alternative courses of action to (1) Rehabilitate the building to current code standards, (2) Rehabilitate to the less restrictive standards of the State Historic Building Code, or (3) Demolish the building and replicate it with a completely code-complying building. Additional structural inspection and analysis is required to verify whether rehabilitation of the building is feasible. The proposed third amendment to agreement will provide for the removal and replacement of certain finish materials in order to observe the hidden components to augment the estimates prepared in 1987. This building is included in the Balboa Park Improvement Projects program and is scheduled for design in FY 1990 and construction in FY 1991. A decision must be made as to which alternative to pursue prior to hiring a consultant to provide the construction contract documents. Aud. Cert. 9000279.

FILE LOCATION: MEET CCONT FY90-1

COUNCIL ACTION: (Tape location: A201-217.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present,

Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-111: (R-90-507) ADOPTED AS RESOLUTION R-274480

Authorizing the execution of a second amendment to the lease agreement with the County of San Diego, for the use of City-owned property at the entrance of Sycamore Landfill as a buy-back recycling center, at an annual rent to the City of \$3,024.

(East Elliott Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: In August of 1982, the County of San Diego executed a two-year lease agreement for approximately 18,670 square feet of City-owned land at the entrance of the Sycamore Landfill for a buy-back recycling center. This lease was extended for five additional years by the first amendment, dated July 20, 1984, RR-261279. The County subleases the premises to a private recycler who accepts various recyclable materials such as aluminum, newspapers, used oil, glass and ferrous metals from City and County residents. The property is heavily encumbered with easements and is not considered marketable for alternate uses. The recycling program has been successful and the County has requested that the lease be extended on the same terms and conditions, including rental, for an additional five years. This second amendment contains a 30-day cancellation clause by either party. The term "buy-back" refers to the center operators purchases of recyclable material from the public entering the landfill.

FILE LOCATION: LEASE - COUNTY OF SAN DIEGO, SYCAMORE  
LANDFILL LEAS FY90-1

COUNCIL ACTION: (Tape location: A201-217.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Henderson.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
McColl-yea, Pratt-not present, Struiksma-not present,  
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-112: (R-90-508) ADOPTED AS RESOLUTION R-274481

Authorizing the execution of an agreement with Groundwater Technology, Inc. to provide professional services;  
authorizing the expenditure of an amount not to exceed \$254,856 from CIP-37-187.0, Underground Petroleum Abatement - Kettner Boulevard, for the purpose of



providing funds for the above project.

(Centre City Community Area. District-8.)

**CITY MANAGER SUPPORTING INFORMATION:** As part of the City's consideration to the Port district for development of the new Convention Center Facility, the Convention Center Management Agreement provides that the City will convey the Old Central Police Station, 801 W. Market St., to the Port District free and clear of all encumbrances. During FY '85 it was positively identified that a City owned and operated underground fuel storage tank at the Old Central Police Station garage experienced an unauthorized release. Federal and State law mandate contamination cleanup. Phase 1 was to clean up the free product, preventing further contamination, and to characterize the extent of the contamination plume. This was accomplished pursuant to Resolution R-269189, adopted on September 8, 1987. The amount of \$400,000 was transferred from CIP-54-006.0, Pedestrian Bridges - Marina, for this purpose. Under this agreement, Groundwater Technology, Inc. shall remediate the residual soil and water contamination based on the characterization developed during Phase 1. The work plan includes vapor extraction and treatment of contaminants, laboratory sampling and testing and documentation and reporting to regulatory agencies. All work shall be in accordance with regulatory dictates. The amount of \$370,000 was transferred from CIP-54-006.0, TOT New Convention Facility Pedestrian Bridges - Marina, on February 27, 1987, pursuant to Resolution R-272958, to fund this Phase 2 of the clean up. Aud. Cert. 9000305.

**FILE LOCATION:** MEET CCONT FY90-1

**COUNCIL ACTION:** (Tape location: A201-217.)

**CONSENT MOTION BY WOLFSHEIMER TO ADOPT.** Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* **ITEM-113:**

Three actions relative to authorizing Suggestion Awards to the following City employees:

**Subitem-A: (R-90-483) ADOPTED AS RESOLUTION R-274482**

Andrew Hoffman - Police Department - \$1,758.14.

Subitem-B: (R-90-340) ADOPTED AS RESOLUTION R-274483

Michael Underhill - General Services Department,  
Communications and Electrical Division - \$253.13.  
Donald Boyett - Water Utilities Department - \$320.  
Kenneth Martinosky - General Services Department, Equipment  
Division - \$447.40.

Subitem-C: (R-90-339) ADOPTED AS RESOLUTION R-274484

Dennis Boisvert - Water Utilities Department - \$50.  
William Cross - Fire Department - \$50.  
Zenaida Smith - Property Department - \$127.30.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A201-217.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Henderson.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
McColl-yea, Pratt-not present, Struiksma-not present,  
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-150: (O-90-203) INTRODUCED, TO BE ADOPTED ON  
OCTOBER 16, 1989

Introduction of an Ordinance amending Chapter  
II, Article 2, Division 6, of the San Diego  
Municipal Code by amending Section 22.0603; amending  
Chapter IV, Article 4, Division 1, by amending Sections  
44.0116, 44.0118, 44.0119 and 44.0124; and amending  
Chapter V, Article 4, Division 1 by amending Section  
54.0105; all relating to Litter Abatement, to  
provide for the disposal of unclaimed personal property  
left in the public right-of-way.  
(See City Manager Report CMR-89-445.)

COMMITTEE ACTION: Reviewed by PSS on  
9/20/89. Recommendation to approve the City Manager's  
recommendation. Districts 3, 5 and 6 voted yea. Districts 2  
and 7 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A201-217.)

MOTION BY WOLFSHEIMER TO INTRODUCE. Second by Henderson.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
McColl-yea, Pratt-not present, Struiksma-not present,  
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-200: CONTINUED TO OCTOBER 10, 1989

Three actions relative to Banking Service Agreements:

(See City Manager Report CMR-89-456.)

Subitem-A: (O-90-55)

First public hearing in the matter of:

An Ordinance amending Ordinance O-17326 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1989-90 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Documents No. OO-17326-1 and No. OO-17326-2, as amended and adopted therein, by increasing the General Fund 100 Revenue Estimates by \$105,000; and directing the City Auditor and Comptroller to allocate the \$105,000 to the Treasurer's Department (052) for the purpose of funding Banking Service Contracts.

NOTE: See Item 338 on the docket of October 3, 1989 for the introduction and adoption of the ordinance.

Subitem-B: (R-90-467)

Adoption of a Resolution authorizing the execution of an agreement with the Bank of America to provide deposit and other optional banking services to the City of

San Diego, together with reasonably necessary modifications or amendments which do not increase the agreement's scope or cost, which the City Manager shall deem necessary to carry out the purposes and intent of the agreement.

Subitem-C: (R-90-468)

Adoption of a Resolution authorizing the execution of an agreement with Security Pacific National Bank to provide disbursement and other optional banking services to the City of San Diego, together with any reasonably necessary modifications or amendments which do not increase the agreement's scope or cost, which the City Manager shall deem necessary to carry out the purpose and intent of the agreement.

FILE LOCATION:    --

COUNCIL ACTION:   (Tape location: A398-578.)

MOTION BY FILNER TO CONTINUE FOR EIGHT DAYS FOR FURTHER REVIEW OF THE REINVESTMENT REQUIREMENTS BY STAFF. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-ineligible, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S400:               HEARING DENIED

(Continued from the meeting of September 25, 1989, Item 34, at Council Member McColl's request, to allow her to be present.)

Matter of the request of Roy Moffett, for a hearing of an appeal from the decision of the Planning Director in denying Early Release Single Family Neighborhood Protection Ordinance Case-89-3075, which requests an early release from this restriction to determine if the property at 4383 Wilson Avenue is located within a single-family neighborhood. The subject property is further described as the south 15 feet of Lot 3, and all of Lot 4 of Block 42 of W.P. Herbert's Subdivision, Map-1108, in Zone MR-1000B, Multi-Family, in the Mid-City Community Plan area.

(Case-89-3075. District-3.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION:    ZONE - ERSFNPO CASE-89-3075

COUNCIL ACTION:   (Tape location: A021-147.)

MOTION BY McCOLL TO DENY THE APPEAL BASED ON STAFF RECOMMENDATION THAT IT WOULD BE PREMATURE TO RELEASE THE SITE PRIOR TO COMPLETION OF THE NEIGHBORHOOD CLASSIFICATION STUDY. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-S401: (R-90-473)   ADOPTED AS RESOLUTION R-274485

Accepting and approving the City Manager's Responses to Recommendations in the Final Report of the 1988-89 San

Diego County Grand Jury relating to the San Diego Police Department's use of firearms in carrying out its law enforcement responsibilities; requesting that the Mayor forward the responses to the Presiding Judge of the San Diego County Superior Court; directing the City Clerk to file a copy of the responses with the County Clerk as a public record.

(See City Manager Report CMR-89-444.)

COMMITTEE ACTION: Reviewed by PSS on 9/20/89.  
Recommendation to approve the City Manager's Report. Districts 3, 4, 6, and 7 voted yea. District 2 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A201-217.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Henderson.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S402: (O-90-3) INTRODUCED, TO BE ADOPTED ON  
OCTOBER 16, 1989

(Continued from the meetings of September 12, 1989, Item 180, September 18, 1989, Item S403 and September 25, 1989, Item S406; last continued at Council Member McCarty's request, for full Council.)

Introduction of an Ordinance amending Chapter II, Article 2, of the San Diego Municipal Code by amending Section 22.0101, entitled "Permanent Rules of the Council", by amending Rule 1 relating to Hours of Meetings, Rule 2 relating to Parliamentary Procedure, Rule 4 relating to Special Order of Business, Rule 17 relating to Conduct of Committee Business, Rule 30 relating to Preparation of the Council Docket, Rule 30.1 relating to Posting, Notice and Items for Consideration; and establishing a new Rule 30.2 relating to Non-Docket Items.

(See City Attorney Reports dated 7/13/89 and 2/3/87; City Clerk Report CC-87-02.)

COMMITTEE ACTION: Reviewed by RULES on 7/19/89.  
Recommendation to approve the proposed amendment to Rule 1 by specifying that the time of a Council meeting may be extended by

the Chair or by a two thirds vote of the Council. Refer all other proposed amendments to the full Council without a recommendation. Districts 3, 4, 6, 7 and Mayor voted yea. District 2 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A598-B088.)

MOTION BY McCARTY TO APPROVE THE NEW PERMANENT RULES OF COUNCIL.

Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,  
Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea,  
Mayor O'Connor-yea.

ITEM-S403:

(Continued from the meetings of September 18, 1989,  
Item 152 and September 26, 1989, Item S405; last continued  
at Council Member Wolfsheimer's request, for further  
review.)

Three actions relative to Council Policy 900-3 (Managing  
and Marketing City-Owned Industrial Property) and Issues  
relating to Eastgate Technology Park:

(District-1. See Memorandum from Council Member  
Wolfsheimer dated 9/11/89; City Manager Reports CMR-89-467  
and CMR-89-428.)

Subitem-A: (R-89-1367) ADOPTED AS RESOLUTION R-274486

Amending Council Policy 900-3 regarding Management and  
Marketing of City-Owned Industrial Property.

Subitem-B: (R-89-2598) ADOPTED AS RESOLUTION R-274487

Authorizing the City Manager to resubdivide Eastgate  
Technology Park into one to four net acres.

Subitem-C: (R-89-2573) ADOPTED AS RESOLUTION R-274488

Authorizing the City Manager to develop a "Lease Only"  
marketing program for Eastgate Technology Park.

COMMITTEE ACTION: Reviewed by PFR on 8/9/89.

Recommendation to approve the City Manager's recommendations to  
1) revise Council Policy 900-3, 2) commence activities for the

City to resubdivide Eastgate Technology Park into lots of one to

four acres on a phased basis, as appropriate, and 3) direct staff to develop a marketing plan for leasing parcels in Eastgate. Districts 5, 6, 7 and 8 voted yea. District 1 voted nay.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B089-C050.)

Motion by Wolfsheimer to approve Subitem-A, amending the Council Policy 900-3, with the proviso that the City Manager notify Council before officially sitting down to negotiate, to authorize the approval of Subitem-C, and to split the motion for Subitem-B. Second by Filner. No vote.

Substitute motion by Henderson to approve staff recommendation. Second by McCarty. No vote.

MOTION BY HENDERSON TO ADOPT THE MANAGER'S RECOMMENDATION FOR SUBITEM-A. Second by McCarty. Passed by the following vote:

Wolfsheimer-nay, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-nay.

MOTION BY WOLFSHEIMER TO ADOPT STAFF RECOMMENDATION FOR SUBITEM-B. Second by Filner. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY WOLFSHEIMER TO BIFURCATE THE ISSUE AND TO APPROVE STAFF RECOMMENDATION OF SUBITEM-C. Second by FILNER. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S404: CONTINUED TO OCTOBER 30, 1989

(Continued from the meeting of September 25, 1989, Item 112, at Council Member Wolfsheimer's request, to allow Council Member Pratt to be present.)

Two actions relative to vacating 29th Street between "B" Street and "C" Street:

(Greater Golden Hill Community Area. District-4.)

Subitem-A: (R-90-388)

Vacating 29th Street between "B" Street and "C" Street and a portion of the alley adjacent to Lots 1-6 and 43-48, Block 63 of E.W. Morse's Addition, Map-547, under the procedure for the summary vacation of streets; reserving and excepting from the vacation the right, easement and privilege of placing, constructing, repairing, replacing, maintaining, using and operating public utilities of any kind or nature; reserving and excepting from vacation and abandonment, easements, and rights of any public utility pursuant to any existing franchise or renewals thereof; declaring that the easement reserved herein is in, under, over, upon, along and across 29th Street and the alley specified; declaring that this Resolution shall not become effective unless and until issuance of the permits for the required public improvements have been accomplished; in the event that the above requirements are not completed within 18 months following adoption of the Resolution, this Resolution shall become void and be of no further force or effect; directing the City Engineer to advise the City Clerk of the approval of the completion of the issuance of permits.

Subitem-B: (R-90-389)

Approving the acceptance by the City Manager of a drainage easement deed of 29th and "B" Street, Ltd., granting to the City an easement for drainage purposes in a portion of Lots 1 through 3, Block 63 of E.W. Morse's Subdivision, Map-547.

**CITY MANAGER SUPPORTING INFORMATION:** The abutting property owners have petitioned for the subject vacation in order to increase yard areas and to expand the existing lot sizes for future development. The proposed vacation consists of 29th Street between "B" Street and "C" Streets and the 142-foot length of alley immediately west of 29th Street. The City owns the southeasterly property adjacent to the vacation. The Property Department has requested that a pedestrian easement be reserved to provide continued pedestrian access between "B" Street and "C" Street in the future. The subject vacation, which totals approximately 20,700 square feet in the R-600 Zone, is located in the Greater Golden Hill Community. Based upon the present zoning, the vacation will increase the residential entitlements of the adjacent properties including the City's, a total of 34 residential units. The Planning Department has no objections to the proposed vacation, and the Planning Commission

recommended approval on August 6, 1981, by a 5-0 vote. The



subject rights-of-way are within a deep southeast-trending canyon and are unimproved except for sewer and drainage facilities. Easements for those utilities are either to be reserved from the vacation or acquired. Due to the adverse topography, it is not feasible to improve these rights-of-way for street purposes. However, there is considerable evidence of pedestrian traffic through the area and, therefore, a pedestrian easement will be reserved to accommodate this use. The vacation will not preclude access to any of the adjacent properties. Staff review has indicated that the rights-of-way to be vacated are no longer required for present or prospective public use and may be summarily vacated.

FILE LOCATION:     STRT J-2726

COUNCIL ACTION:    (Tape location: C050-073.)

MOTION BY PRATT TO CONTINUE FOR FOUR WEEKS TO GIVE THE GREATER GOLDEN HILL COMMUNITY PLANNING COMMITTEE TIME FOR REVIEW.

Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,  
Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea,  
Mayor O'Connor-yea.

ITEM-S405: (O-90-49 Rev.1)   INTRODUCED AND ADOPTED AS O-17355  
                                  (New Series)

(Continued from the meeting of September 26, 1989, Item 203, at Council Member Wolfsheimer's request, for further review.)

Introduction and adoption of an Ordinance amending Ordinance O-17326 (New Series), as amended, entitled "an Ordinance Adopting the Annual Budget for the Fiscal Year 1989-90 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17326-1, as amended and adopted therein, by amending the budget for the Engineering and Development Department (540), by creating a new Transportation Management Division and adding to the personnel authorization of the Engineering and Development Department (540), Transportation Management Division, 10.50 new positions as follows: 1.00 Deputy Director, 0.50 Principal Planner, 1.00 Senior Traffic Engineer, 1.00

Senior Planner, 1.00 Associate Transportation Planner, 1.00 Associate Traffic Engineer, 1.00 Assistant Transportation

Planner, 1.00 Associate Administrative Analyst, 1.00 Associate Planner, 1.00 Senior Public Information Officer, 1.00 Graphic Designer, 1.00 Word Processing Operator, 2.00 Clerical Assistant II, all for the purpose of implementing the City of San Diego's Transportation Demand Program; authorizing the Auditor and Comptroller to transfer within the General Fund the sum of \$626,000 from Non-Departmental Expenditures (601) to Engineering and Development Department (540) for the purpose of funding said program and personnel; exempting one Deputy Director position from the Classified Service.

NOTE: See Item 202B on the docket of Monday, September 11, 1989 for the first public hearing. Today's action is the introduction and adoption of the ordinance.

Aud. Cert. 9000277.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C074-106.)

MOTION BY ROBERTS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT. Second by Pratt. Passed by the following vote:

Wolfsheimer-nay, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-not present, Henderson-nay, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-S406:

(Continued from the meetings of August 1, 1989, Item 331, August 7, 1989, Item S407 and September 25, 1989, Item 204; last continued at Council Member Wolfsheimer's request, for full Council.)

Matter of a proposal to amend Chapter 10, Article 3, Division 3 of the San Diego Municipal Code by adding Section 103.0307 relating to the La Jolla Shores Planned District to require that a developer of any property contemplating a development that will be located below the water table take certain actions with respect to water removal and disposal.

The proposed amendment also constitutes an amendment to the City of San Diego's Local Coastal Program (LCP). If approved, the proposed LCP amendment must be transmitted to the California Coastal Commission for review and final approval. The proposed LCP amendment would not become effective until after approval by the California Coastal

Commission.

(District-1.)

Subitem-A: (O-89-235) INTRODUCED, TO BE ADOPTED ON  
OCTOBER 16, 1989

Introduction of an Ordinance amending the La Jolla Shores  
Planned District Ordinance.

Subitem-B: (R-89-2621) ADOPTED AS RESOLUTION R-274489

Adoption of a Resolution amending the Local Coastal Program  
(LCP) and authorizing transmittal to the California Coastal  
Commission.

FILE LOCATION: LAND - LA JOLLA SHORES PLANNED DISTRICT

COUNCIL ACTION: (Tape location: C131-D146.)

Hearing began at 3:45 p.m. and halted at 4:28 p.m.

Testimony in favor by Sue Oxley, John Beral, Bill Finley, and  
Larry Keller.

Testimony in opposition by Martin Mosier, Paul Benton, and  
Rebecca Michael.

MOTION BY WOLFSHEIMER TO INTRODUCE SUBITEM-A AND ADOPT  
SUBITEM-B. Second by Roberts. Passed by the following vote:  
Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea,  
Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea,  
Mayor O'Connor-not present.

\* ITEM-S407: (R-90-541) ADOPTED AS RESOLUTION R-274490

Authorizing the acceptance by the City Manager of street  
easement deeds of Starboard Station, Inc., dated  
September 13, 1989, and of the Redevelopment Agency of the  
City of San Diego, dated September 14, 1989, granting to  
the City easements for public street purposes in portions  
of Barber Tract and Davidson Tract, according to the map of  
Middletown, and in portions of Lots 1 and 2 of Block 6 of  
Middletown, and a portion of vacated C Street; dedicating  
the land as and for a public street and naming the same  
Kettner Boulevard.

(Centre City Community Area. District-8.)

FILE LOCATION: DEED F-5066 DEED FY90-1

COUNCIL ACTION: (Tape location: A201-217.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Henderson.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
McColl-yea, Pratt-not present, Struiksma-not present,  
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S409: (R-90-552) ADOPTED AS RESOLUTION R-274491

Council confirmation of the following appointments and  
reappointments by the Mayor to the Small Business Advisory  
Board:

(See memorandum from Mayor O'Connor dated 9/27/89.)

Name	Term
George P. Chandler (Reappointment) (Small Business Admin.)	July 1, 1991
Helen Rowe (Reappointment) (Chamber of Commerce)	July 1, 1991
Brian Pollard (Reappointment) (Member at Large)	July 1, 1990
Nghiep C. Le (Reappointment)	July 1, 1990

(Member at Large)

James A. Hill (To replace Richard Brady, whose term has expired) (National Federation of Independent Business)	July 1, 1991
Leo March (To replace Don Erwin, who has resigned) (United Federation of Small Business)	July 1, 1991

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A201-217.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Henderson. Passed by  
the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea,  
Pratt-not present, Struiksma-not present, Henderson-yea,  
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S410: (R-90-551 Rev.1) ADOPTED AS AMENDED AS RESOLUTION  
R-274492

19891002

Council confirmation of the following reappointments by the  
Mayor to the Old Town Planned District Design Review Board  
for terms expiring as indicated:

(See memorandum from Mayor O'Connor dated 9/27/89.)

NAME	TERM EXPIRES
Margit Whitlock (Architect) (To replace Scott Bernet, whose term has expired.)	March 1, 1993
Thomas J. Nemeth (Community Planning Committee) (To replace Paulette Durand, who has resigned.)	March 1, 1993

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C115-120.)

MOTION BY ROBERTS TO REAPPOINT MARGIT WHITLOCK AND TO RETURN THE REAPPOINTMENT OF THOMAS J. NEMETH TO THE MAYOR'S OFFICE. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

\* ITEM-S411: (R-90-550) ADOPTED AS RESOLUTION R-274493

A Resolution approved by the City Council in Closed Session on Tuesday, September 20, 1989 by the following vote: Wolfsheimer-not present; Roberts-yea; McColl-yea; Pratt-not present; Struiksma-not present; Henderson-yea; McCarty-yea; Filner-yea; Mayor-yea.

Approving Change Order No. 1, issued in connection with the construction of the Penasquitos Glens Trunk Sewer Expansion; authorizing the City Manager to pay the sum of \$100,000 in consideration of Change Order No. 1 and in settlement of the case, Wal-Con Construction Co. v. Chilcote, Inc. et al, San Diego Superior Court Case No. 612200; authorizing the City Auditor and Comptroller to expend the amount of \$100,000 from Fund 41506, CIP-46-148.0, payable to Wal-Con Construction Co., as the final payment towards full settlement of any and all claims.

CITY MANAGER SUPPORTING INFORMATION: The City does not have a contract with Wal-Con Construction Co. The City contracted with W. Wolf Industries, Inc. for the Penasquitos Glens Trunk Sewer Expansion. Wal-Con Construction Co. was a subcontractor on the project. The funds are to be paid directly to Wal-Con Construction Co. to expedite settlement because Wal-Con Construction Co. is the appropriate recipient of the funds. This settlement and payment represents a complete and final settlement of this litigation.  
Aud. Cert. 9000345.

WU-CA-90-045.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A201-217.)

CONSENT MOTION BY WOLFSHEIMER TO ADOPT. Second by Henderson.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
McColl-yea, Pratt-not present, Struiksma-not present,  
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S412: PROCLAIMED

Proclaiming October 6, 1989 to be "German American Day"  
in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A020-056.)

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Marguerite Ferrante thanking the Mayor and  
Council for their vote on September 26, 1989 to save  
mobilehome parks.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A056-074.)

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor McCarty at 4:25 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D147-162).